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### REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-21 are in this case. Claims 1, 2, 6, 7 and 10-16 have been rejected under § 103(a). Claims 3-5, 8, 9 and 17-21 have been objected to. No amendments are made to the application at this time.

### Interview Summary

Reference is made to a telephone interview conducted on February 9, 2004, between Examiner Lina Kontos for the PTO and Mr. Daniel Michaels, speaking under the auspices of Dr. Mark Friedman, for the Applicant. The interview related to the § 103(a) rejections of independent claims 1 and 14 over the Singh et al. reference (US 4784648). Agreement was reached as to the allowability of claim 1 and the claims depending therefrom. Agreement was also reached as to the allowability of claim 14 and the claims depending therefrom, subject to a supplemental search, as will be discussed below.

After ensuring a common understanding of the rejections of record, the Applicant pointed out that the suggested modification of the Singh et al. reference according to the § 103(a) rejection is not a mere design choice between functional equivalents (as in the *In re Leshin* case quoted by the Examiner), but rather changes the essential function of the recited device. Specifically, the present invention replaces the quantitative pressure threshold measurement of Singh et al. with a qualitative and more-reliably-sensed criterion of reversal of pressure differential from below to above the surrounding atmospheric pressure.

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The Applicant further pointed out that the proposed modification would render the cited reference unsatisfactory for its intended purpose, thereby negating the "motivation to modify" required for an obviousness rejection, as detailed in MPEP 2143.01. Specifically, the Applicant pointed out that Singh et al. discloses a pumped infusion system where a source of pressurized liquid provides the driving force for the infusion. In such a system, the pressure must be above atmospheric pressure throughout the system at all times in order to maintain the driving pressure required for the system to operate. It follows that an alarm generated whenever the pressure in a given region is above atmospheric pressure would give a continuous false alarm at all times and would thus render the system inoperative.

After careful consideration and consultation with the SPE, the Examiner indicated that she considers all of the claims to now be patentable over the art of record. Particularly with regard to the independent method claim 14, the Examiner indicated that she felt an additional search would be required, but that all claims would be allowed subject to the results of such a search.

The Applicant thanks the Examiner for her generous allotment of time and careful consideration in the interview.

#### **§ 103(a) Rejections**

The Examiner has rejected claims 1, 2, 6, 7 and 14-16 under § 103(a) as being unpatentable over Singh et al. (US 4784648). The Examiner's rejections are respectfully traversed.

As detailed above in the context of the telephone interview summary, the Applicant believes that the clear distinctions between the claimed invention and the system of the Singh et al. reference have now been clarified to the satisfaction of the Examiner, thereby overcoming the § 103(a) rejections of record.

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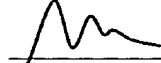
**Objections**

The Examiner has objected to claims 3-5, 8, 9 and 17-21 as being based on rejected base claims. The Examiner has noted that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim.

In view of the discussion above in the context of the § 103(a) rejections, the Applicant submits that the base claims from which these claims depend are allowable, making these claims allowable in their present form.

In view of the above remarks, it is respectfully submitted that independent claims 1 and 14, and hence also dependent claims 2-13 and 15-21, are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

  
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Mark M. Friedman  
Attorney for Applicant  
Registration No. 33,883

Date: February 9, 2004